

Defendant's database according to user defined criteria and when telephone numbers on such a list are dialed by the dialing system, a human being does not have to manually dial the number.

38. With the autodialed calls to Plaintiff's telephone commencing on or about November 1, 2015 and continuing to the present, the Defendants violated various provisions of the TCPA, including but not limited to 47 USC §227(b)(A)(iii).

39. The Defendants, having been informed that Plaintiff requested that no further automated calls be made, willfully violated the TCPA at least sixty (60) times.

40. Upon information and belief, Defendants have implemented a policy in business practice which trains, instructs and/or sanctions employees and agents exemplified by the representatives with whom Plaintiff communicated to request that Defendant's calls cease, to ignore such requests from consumers.

41. Pursuant to the TCPA Omnibus Declaratory Ruling and Order, July 2015, paragraphs 138 and 139, communications from banking institutions which are exempt "...are all intended to address exigent circumstances in which a quick, timely communication with a consumer could prevent considerable consumer harms from occurring or, in the case of the remediation calls, could help quickly mitigate the extent of harm that will occur." Pursuant to Paragraph 139, (3) and (7) "In light of these considerations, we adopt the following conditions for each exempted call (voice call or text message) made by a financial institution:

3) voice calls and text messages are strictly limited to purposes discussed in paras. 129-137 above and must not include any telemarketing, cross-marketing, solicitation, debt collection, or advertising content;

7) a financial institution must honor opt-out requests immediately."

42. Defendant SYNCHRONY BANK is in violation of the TCPA paragraphs 139 (3) having used their calls for debt collection and (7), failing to honor Plaintiffs' desire to opt out of both text and telephone communications despite Plaintiff's clear, unequivocal and repeated requests that such automatic calls cease.

43. Defendant willfully violated TCPA 47 USC §227(b)(A)(iii) by waging a campaign of computer generated unauthorized autodialed telephone calls to Plaintiff's telephone, continuing even after a request was made to cease and desist.

44. As a result of Defendant's violations of the TCPA, Plaintiff has been damaged and is entitled to damages of \$90,000.00 in accordance with the TCPA.

**DEMAND FOR TRIAL BY JURY**

45. Plaintiff hereby respectfully requests a trial by jury for all claims and issues in its Complaint to which it is or may be entitled to a jury trial.

**PRAYER FOR RELIEF**

**WHEREFORE**, Plaintiff demands judgment from the Defendants as follows:

- A. For actual damages provided and pursuant to 47 USC §227 et.seq.;
- B. For trebled damages to be awarded to the Plaintiff in accordance with the TCPA, for each of the Defendant's sixty (60) plus willful or knowing violations of the TCPA, for additional damages of \$90,000.00.
- C. For statutory damages provided and pursuant to 47 USC §227 et.seq.;
- D. For attorneys' fees and costs provided and pursuant to 15 USC §1692k(a)(3);

E. A declaration that the Defendant's practices violated the TCPA;  
F. For any such other and further relief, as well as further costs, expenses and disbursements of this action, as this Court may deem just and proper.

Dated: March 3, 2016

Respectfully submitted,



---

Edward B. Geller, Esq.  
Edward B. Geller, Esq., P.C., Of Counsel to  
M. Harvey Rephen & Associates, P.C.

*Attorney for the Plaintiff AVROHAM DEUTSCH*

To: Synchrony Bank  
170 West Election Road  
Suite 125  
Draper, Utah 84020

Amazon.com, Inc.  
300 Deschutes Way SW, Suite 304  
Seattle, WA 98501

*(Via Prescribed Service)*

Clerk of the Court,  
United States District Court, District of New Jersey  
Clarkson S. Fisher Building & U.S. Courthouse  
402 East State Street Room 2020  
Trenton, New Jersey 08608

*(Via Electronic Court Filing)*

**EXHIBIT “A”**

DATE	TIME	CELL
	12-Jan 1141am	646-285-7664
	14-Jan 1133am	
	17-Jan 1050am	
	17-Jan 1136am	
	17-Jan 239pm	
	17-Jan 443pm	
	18-Jan 830am	
	18-Jan 917am	
	18-Jan 745pm	
	20-Jan 847am	
	20-Jan 954AM	
	22-Jan 842am	
	22-Jan 1012am	
	26-Jan 843am	
	26-Jan 1254pm	
	26-Jan 305pm	
	26-Jan 604pm	
	28-Jan 253pm	
	28-Jan 428pm	
	28-Jan 554pm	
	31-Jan 832am	
	31-Jan 229pm	
	31-Jan 408pm	
	31-Jan 624pm	
	1-Feb 917am	
	1-Feb 1053am	
	1-Feb 611pm	
	1-Feb 746pm	
	3-Feb 905am	
	3-Feb 126pm	
	3-Feb 339pm	
	3-Feb 644pm	
	5-Feb 1022am	
	5-Feb 219pm	
	5-Feb 420pm	
	7-Feb 1024am	
	7-Feb 1251pm	
	7-Feb 200pm	
	7-Feb 320pm	
	8-Feb 913am	
	8-Feb 115pm	
	8-Feb 441pm	
	8-Feb 614pm	
	9-Feb 914am	
	9-Feb 104pm	
	9-Feb 353pm	

9-Feb 638pm  
10-Feb 920am  
10-Feb 1029am  
10-Feb 457pm  
10-Feb 632pm  
11-Feb 926am  
11-Feb 1027am  
11-Feb 100pm  
11-Feb 646pm  
12-Feb 917am  
12-Feb 125pm  
12-Feb 422pm  
12-Feb 618pm  
13-Feb 908am  
13-Feb 1108am  
13-Feb 123pm  
13-Feb 305pm  
14-Feb 1059am  
14-Feb 1237pm  
14-Feb 208pm

AMAZON SYNCHRONY

866-771-1104